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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,144	10/15/2003	Theodore Rodes JR.	4390 P 003	6219
23424	7590	04/04/2008	EXAMINER	
WALLENSTEIN & WAGNER, LTD. 311 SOUTH WACKER DRIVE 53RD FLOOR CHICAGO, IL 60606			LE, LINH GIANG	
		ART UNIT	PAPER NUMBER	
		3626		
		MAIL DATE	DELIVERY MODE	
		04/04/2008	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/686,144	RODES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHELLE LE	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 October 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-58 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-58 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>021006; 080604</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### *Notice to Applicant*

1. This communication is in response to application filed 15 October 2003. Claims 1-58 remain pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-58 rejected under 35 U.S.C. 102(e) as being anticipated by Tritch et al. (2003/0040939). .

4. As per claim 1, Tritch teaches a method of storing and retrieving a plurality of advance medical directives corresponding to a plurality of members, the method comprising the steps of:  
providing for receiving a medical directive from a member (Tritch; para. 23);  
providing for storing the medical directive in a memory, the memory

capable of being searched (Tritch; para. 24);  
providing for receiving a request for a medical directive from a user, the request comprising an identifier corresponding to one of the plurality of members (Tritch; para. 30);  
providing for searching the memory for a medical directive corresponding to the identifier received from the user (Tritch; para. 27);  
and providing for the availability of the corresponding medical directive to the user (Tritch; para. 27).

5. As per claim 2, Tritech teaches wherein the identifier comprises one of either a name, an identification number, or a name and identification number (Tritch; para. 25).
6. As per claim 3, Tritech teaches providing for a database, the database capable of storing information corresponding to one of the plurality of members (Tritch; para. 24).
7. As per claim 4, Tritech providing for electronically transmitting the corresponding medical directive to the user (Tritch; paras. 27 and 30).
8. As per claim 5, Tritech teaches wherein the medical directive is one of either a written document, a recorded sound, or a recorded audio-visual event (Tritch; para. 23).

9. As per claim 6, Tritch teaches providing for transmitting a message to the user, the message comprising a notice indicating whether the member has a corresponding medical directive stored in the memory (Tritch; paras. 27 and 30).

10. As per claim 7, Tritch teaches wherein the identification number received from the user is the Social Security number of the member (Tritch; para. 26).

11. As per claim 8, Tritch teaches wherein the name received from the user is the name of the member (Tritch; para. 26).

12. As per claim 9, Tritch teaches providing for assigning a unique identification number to the member (Tritch; para. 26).

13. As per claim 10, Tritch teaches wherein the identification number received from the user is the unique identification number assigned to the member (Tritch; para. 26).

14. As per claim 11, Tritch teaches providing for receiving emergency contact information from the member; and providing for storing the emergency contact information in the memory (Tritch; para. 23).

15. As per claim 12, Tritch teaches providing for the availability to the user of emergency contact information corresponding to the member (Tritch; para. 27 and 30).
16. As per claim 13, Tritch teaches providing for receiving a second medical directive from a member who has a first medical directive stored in the memory; and providing for storing the second medical directive in the memory (Tritch; para 24).
17. As per claim 14, Tritch teaches providing for notifying a member that a medical directive corresponding to the member has been stored in the memory for longer than a predetermined period of time (Tritch; paras. 27 and 30).
18. As per claim 15, Tritch teaches providing for allowing a member to regulate a user's access to a medical directive corresponding to the user (Tritch; para. 26).
19. As per claim 16, Tritch teaches providing for requiring a member to transmit information identifying the member (Tritch; para. 26).
20. Claims 17-58 contain substantially the same limitations of claims 1-16 and the reasons for rejection are incorporated herein.

***Conclusion***

**21.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELLE LE whose telephone number is (571)272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LLe/  
Examiner, Art Unit 3626  
LLe

/C Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626